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15 *Attorneys for Defendant,*

16 *99 CENTS ONLY STORES LLC*

11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 CHERYL D. WESLEY, an Individual,

14 Plaintiff,

15 v.

16 99 CENTS ONLY STORES LLC, a Foreign  
17 Limited-Liability Company; ROE  
18 MAINTENANCE COMPANIES 1-10; ROE  
19 CLEANING COMPANIES 1-10; DOE  
20 INDIVIDUALS 1-10; DOE EMPLOYEES 1-  
21 10; and ROE BUSINESS ENTITIES 1-20,  
inclusive,

22 Defendants.

CASE NO.: 2:20-cv-1574-JCM-BNW

**STIPULATION AND ORDER FOR**  
**EXTENSION/MODIFICATION OF**  
**DISCOVERY PLAN AND**  
**SCHEDULING ORDER**  
**(SECOND REQUEST)**

23  
24 Plaintiff, CHERYL D. WESLEY and Defendant, 99 CENTS STORE ONLY, LLC, by and through  
25 their undersigned counsel, submit to the Court the following Stipulation and Order for  
26 Extension/Modification of the Discovery Plan and Scheduling Order (Document #17) pursuant to LR 26-3.

27 ///

28 ///

1 **I. Local Rule 6-1**

2 Under LR IA 6-1(a) every motion to extend time must inform the court of any previous extensions  
3 granted and state the reason for the extension requested.  
4

5 **A. The Requirement of Local Rule 26-3 Is Satisfied**

6 This is the second request for extension filed by the parties. Local Rule 26-3 requires that  
7 extensions must be received by the court no later than 21 days prior to any deadline. The current initial  
8 expert deadline is April 5, 2021. Therefore, the parties are requesting this extension no later than than 21  
9 days prior to the expiration of the deadline.  
10

11 **II. Local Rule 26-3(a)**

12 Under LR 26-3(a) a statement specifying the Discovery completed:

13 Both Plaintiff and Defendant have exchanged their initial documents and witness disclosures.  
14 Defendant served their initial disclosures on September 18, 2020. Plaintiff served her initial disclosures on  
15 September 18, 2020.  
16

17 Defendant served discovery requests upon Plaintiff on September 18, 2020 in the form of Request  
18 for Admissions, Request for Production of Documents, and Interrogatories. Plaintiff's responses to  
19 Defendant's written discovery were received on October 19, 2020.  
20

21 The deposition of Plaintiff Wesley was completed on November 16, 2020.

22 Defendant has issued requests for Plaintiff Wesley's medical records from the medical providers.

23 Defendant responded to Plaintiff's Requests for Production of Documents on November 13, 2020.

24 Defendant supplemented its rule 26.1 disclosures seven times.

25 Defendant has provided records to its experts.

26 Plaintiff has supplemented her rule 26.1 disclosure one time.  
27

28 The deposition of Defendant's rule 30(b)(6) witness is set for March 17, 2021.

1 **III. Local Rule 26-3(b)**

2 Under LR 26-3(b) a specific description of the Discovery that remains to be completed:

3 Initial and rebuttal expert disclosures, initial and rebuttal experts' depositions, depositions of  
4 Defendant's FRCP 30(b)(6) designated witness(es) and employees, depositions of percipient witnesses, and  
5 depositions of Plaintiff's treating providers. The parties may also agree to complete further discovery  
6 derived from the discovery listed above.  
7

8 **IV. Local Rule 26-3(c)**

9 Under LR 26-3(c) the reasons why Discovery remaining was not completed within the time limits  
10 set by the Discovery Plan:  
11

12 The parties request an additional 90 days to make expert disclosures. The parties have agreed to a  
13 rule 35 examination of Plaintiff by Dr. Reynold Rimoldi but have not yet set a date for the exam or agreed  
14 to the specific terms of the rule 35 examination.  
15

16 **V. Local Rule 26-3(d)**

17 The parties agree and jointly request an extension of 90 days for the discovery deadlines; Under LR  
18 26-3(d) a proposed schedule for completing all remains Discovery:

19 (i) Discovery cutoff dates: Extend the current Discovery cutoff date from June 3, 2021 to a  
20

21 Discovery cutoff date of September 3, 2021;

22 (ii) Expert witness disclosures from April 5, 2021 to a new date of July 6, 2021;

23 (iii) Rebuttal expert witness disclosures from May 6, 2021 to August 6, 2021;

24 (iv) Submittal of Dispositive Motions from July 6, 2021 to October 6, 2021; and

25 (v) Submittal of the Joint Pre-Trial Order (if no Dispositive Motions are filed) to be extended  
26

27 from August 3, 2021 to November 3, 2021.  
28

///

Therefore, good cause existing, counsel jointly request that this Honorable Court allow the above proposed extended Discovery dates.

DATED this 15<sup>th</sup> day of March, 2021.

**MAINOR WIRTH, LLP**

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DATED this 15<sup>th</sup> day of March, 2021.

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**ORDER**

**IT IS SO ORDERED**

Dated March 19, 2021.



UNITED STATES MAGISTRATE JUDGE